

IC 22-15-3

Chapter 3. Design Releases

IC 22-15-3-1

Issuance; limitations; meetings; majority vote; plan review; competency test; expiration

Sec. 1. (a) The office shall issue a design release for:

- (1) the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter; and
- (2) the fabrication of an industrial building system or mobile structure under section 4 of this chapter.

(b) The office may not issue a design release until the plans and specifications submitted with the application have been:

- (1) presented to the office of the state fire marshal by the office; and
- (2) approved in writing by the office of the state fire marshal.

(c) A meeting between the executive director of the department, the state building commissioner, and the state fire marshal may be called by the executive director:

- (1) upon request of the state building commissioner or the state fire marshal, if the state building commissioner and the state fire marshal cannot agree on the issuance of a design release; or
- (2) upon request of the applicant for the design release, if the office and the office of the state fire marshal have not acted to issue or deny the design release within a reasonable time after the application is submitted to the office.

(d) At a meeting called under subsection (c), the executive director of the department, the state building commissioner, and the state fire marshal shall review the application for a design release and shall, by majority vote, issue a final decision.

(e) Subject to subsection (b), the office may issue a design release based on a plan review performed by a city, town, or county if:

- (1) the state building commissioner has certified that the city, town, or county is competent; and
- (2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

(f) For the purposes of subsection (e)(1), competency must be established by a test approved by the commission and administered by the division of education and information.

(g) A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

As added by P.L.245-1987, SEC.4.

IC 22-15-3-2

Qualification of applicants

Sec. 2. To qualify for a design release under this section, an applicant must:

- (1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building

laws;

(2) pay the fees set under IC 22-12-6-6;

(3) have the plans and specifications:

(A) prepared by a registered architect or professional engineer who is:

(i) competent to design the construction covered by the application as determined by the office; and

(ii) registered under IC 25-4 or IC 25-31;

(B) include on each page of all drawings and the title page of all specifications the seal of the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and

(C) filed by the registered architect or professional engineer described by clause (A) or the person's technical or professional staff; and

(4) submit a certificate prepared on a form provided by the office and sworn or affirmed under penalty of perjury by the registered architect or professional engineer described in subdivision (3)(A):

(A) providing an estimate of the cost of the construction covered by the application, its square footage, and any other information required under the rules of the commission;

(B) stating that the plans and specifications submitted for the application were prepared either by or under the immediate supervision of the person making the statement;

(C) stating that the plans and specifications submitted for the application provide for construction that will meet all building laws; and

(D) stating that the construction covered by the application will be subject to inspection at intervals appropriate to the stage of the construction by a registered architect or professional engineer identified in the statement for the purpose of determining in general if work is proceeding in accordance with the released plans and specifications.

As added by P.L.245-1987, SEC.4.

IC 22-15-3-3

Class 1 structures; construction; additions or alterations; qualification

Sec. 3. (a) This section applies only to an application for a design release to construct:

(1) A Class 1 structure with thirty thousand (30,000) or fewer cubic feet of space;

(2) An addition to a Class 1 structure, if the addition adds thirty thousand (30,000) or fewer cubic feet of space;

(3) An alteration to a Class 1 structure, if the alteration does not involve changes affecting the structural safety of the Class 1 structure; or

(4) An installation or alteration of an automatic fire sprinkler system in a Class 1 structure by persons qualified pursuant to

rules set forth by the fire prevention and building safety commission.

(b) To qualify for a design release under this section, an applicant must:

(1) Demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws; and

(2) Pay the fees set under IC 22-12-6-6.

As added by P.L.245-1987, SEC.4. Amended by P.L.222-1989, SEC.15; P.L.20-1991, SEC.5.

IC 22-15-3-4

Fabrication of a model or other series of similar industrialized building systems or mobile structures; qualification

Sec. 4. (a) This section applies to a design release for the fabrication of a model or other series of similar industrialized building systems or mobile structures.

(b) To qualify for a design release under this section, an applicant must:

(1) demonstrate, through the submission of plans and specifications for the construction covered by the application, that the construction will comply with all applicable building laws;

(2) have the submitted plans and specifications prepared by an architect registered under IC 25-4 or a professional engineer registered under IC 25-31, if required under the rules adopted by the commission; and

(3) pay the fees set under IC 22-12-6-6.

As added by P.L.245-1987, SEC.4.

IC 22-15-3-5

Rules; scope; evaluation report as evidence of compliance

Sec. 5. (a) This section does not authorize a variance from any rule adopted by the commission.

(b) The rules adopted by the commission do not prevent the use of:

(1) materials;

(2) methods of construction; or

(3) design procedures;

if they are not specifically prohibited in the rules and if they are approved under subsection (c).

(c) The state fire marshal and the state building commissioner may, in the review of an application for a design release, consider as evidence of compliance with the rules adopted by the commission any evaluation report that:

(1) contains limitations, conditions, or standards for alternative materials, methods of construction, or design procedures; and

(2) is published by an independent, nationally recognized testing laboratory or other organization that is approved under

the rules adopted by the commission.
As added by P.L.245-1987, SEC.4.

IC 22-15-3-6

Partial or provisional design releases

Sec. 6. Pending the completion of the review of an application, the office may, with the approval of the office of the state fire marshal, issue:

- (1) a design release for part of the construction proposed in an application, if that part of the construction qualifies for release under this chapter; or
- (2) a provisional release for any part of the construction proposed in an application, under the conditions specified by the office.

As added by P.L.245-1987, SEC.4.

IC 22-15-3-7

Class C infractions; application of section

Sec. 7. (a) This section does not apply to construction that is exempted from this section in the rules adopted by the commission under IC 22-13-4.

(b) This section applies to the following:

- (1) Each person who engages in the construction.
- (2) Each person who has control over the construction.
- (3) Each person who has control over the Class 1 structure industrialized building system or mobile home that is constructed.

(c) A person described in subsection (b) commits a Class C infraction if:

- (1) a Class 1 structure is constructed, or construction is begun, at the site where it is to be used; and
- (2) no design release issued under section 2 or 3 of this chapter covers the construction.

(d) A person described in subsection (b) commits a Class C infraction if:

- (1) an industrialized building system or a mobile structure is fabricated; and
- (2) no design release issued under section 4 of this chapter covers the fabrication.

As added by P.L.245-1987, SEC.4. Amended by P.L.222-1989, SEC.16.